



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SM

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/827,634 04/09/97 BOYE

S 22043-0706

EXAMINER

TM02/1010

MCCUTCHEN, DOYLE, BROWN & ENERSEN, LLP
THREE EMBARCADERO CENTER
SAN FRANCISCO CA 94111

BASHORE, W

ART UNIT

PAPER NUMBER

2176

DATE MAILED:

10/10/01

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SK

Office Action Summary

Application No.
08/827,634

Applicant(s)

Boye et al.

Examiner
William L. Bashore

Art Unit
2176



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 10, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 8-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

Art Unit: 2176

DETAILED ACTION

1. This action is responsive to communications: amendment filed on 12/8/2000, to the original application filed on 4/9/1997. CPA filed on 10/4/2000.
2. The rejection of claims 1-5, 8-18 under 35 U.S.C. 103(a) as being unpatentable over Yamashita, Quattro Pro, and Lemay has been withdrawn as necessitated by amendment.
3. The rejection of claim 19 under 35 U.S.C. 103(a) as being unpatentable over Yamashita, Lemay, and Netscape, has been withdrawn as necessitated by amendment.
4. Claims 1-5, 8-19 are pending in this case. Claims 1, 10, 11, 12 are independent claims.

Continued Prosecution Application

5. The request filed on 10/4/2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/827,634 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5, 8-12, 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita et al. (hereinafter Yamashita), U.S. Patent No. 5,555,362 issued September 1996, in view

Art Unit: 2176

of Lemay, Teach Yourself Web Publishing with HTML in a Week (hereinafter Lemay), Sams Publishing, 1995 pp.306, 346, 348, and in view of Nielsen, U.S. Patent No. 5,897,644 issued April 1999.

With respect to independent claim 1:

As seen in FIG I and in column 3, Yamashita teaches a method of using vertical and horizontal separators to perform layout area segmentation comprising: (1) Input unit 1A (including Image input unit 2, Command and data input unit 5 and Input judgement unit 6); (2) Processing unit 1B; (3) Record unit 1C; (4) Output unit 1D.

A receiving step is shown FIG I Reference 1A, Display step is shown FIG I Reference 1D. As seen in column 3 lines 11 to 14 "The common and data by which the user executes various processing are selected and input by command and data input units 5 using such as mouse sent to corresponding section of the processing units 1B through the input judgement unit 6". The split determining step is shown where the judgement unit determines the further splits needed, then the processing unit 1B and record unit 1C perform the area segmentation. The determining step is shown in column 5 lines 9 to 18 "If a vertical separator 37 for segmenting the whole of an image excluding the image area into several areas is found, the image is further segmented by using the separator 37. Then, if a horizontal separator 38 capable of segmenting each area into several areas is again found. It is further segmented into small areas by using separator. Thus the whole image is segmented into area groups constituting a tree structure by repeating recursive segmentation, while alternately using the vertical and horizontal separators.", and in lines 41 to 42 "The results of image segmentation are displayed in an image window 50 of display unit".

Yamashita does not disclose a web page. However, Lemay shows many web page editors and converters which offer tools to perform web page design. It would have been obvious to one of

Art Unit: 2176

ordinary skill in the computer art at the time of the invention to apply Lemay's tools to Yamashita's method because of the tools shown by Lemay, teaching us techniques for coding web pages.

Yamashita does not specifically teach preserving preferred Web page rendered presentation layouts, said layout susceptible to browser configuration. However, Nielsen teaches a Web page presentation system, said original page is changed to fit within various browser size configurations (Nielsen Abstract, Figures 4-6, 9; compare with claim 1 "*A method for preserving a preferred presentation layout....second computing systems, said method comprising*", and "*for preserving a preferred....one or more computer systems*"). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Nielsen to Yamashita, because of Nielsen's taught advantage of preserving Web page layouts, providing Yamashita the advantage of preserving Web layouts accommodating various user preferred browser window sizes.

With respect to independent claim 5:

Claim 5 contains the same subject matter as claimed in claim 1, except for the following limitation: "generating an internal representation of the web page where the layout of the web page is primarily by rows or by columns in according with the split determining step". This is shown by Yamashita on page 4 line 5, "As a result, a layout model is generated by the model generator unit 7 and the data for the layout model is record in layout storage unit 10", and is similarly rejected.

With respect to dependent claim 8:

Yamashita teaches a layout model generating step on page 4, lines 8-10, "The layout model is also displayed on screen display unit 13, which is modified by layout model generation unit 7, when the user inputs a correction command (step 26)". In addition, Lemay (p.306) teaches the use of a "submit" button to

Art Unit: 2176

publish a web page. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Lemay's "submit" button to Yamashita's user input command, because of Lemay's taught advantage of using an input button instead of an input command.

With respect to dependent claim 9:

Yamashita teaches "the layout model is also display on the screen display unit 13, which is modified by the layout generation unit 7, when the user inputs correction command". In addition, Lemay (p.348) teaches the use of a "test" button to preview your work. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the "test" button of Lemay to Yamashita's user input common, because of Lemay's taught advantage of using an input button instead of an input command.

In regard to independent claim 10:

Claim 10 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 11:

Claim 11 reflects the computer program product comprising computer readable instructions used for performing the methods as claimed in claim 1, and is rejected along the same rationale.

In regard to independent claim 12:

Claim 12 incorporates substantially similar subject matter as claimed in claim 10, and is rejected along the same rationale.

Art Unit: 2176

In regard to dependent claim 14:

Yamashita teaches a method whereby a default parameter set is previously defined with respect to an image layout set, for the purpose of considering varying features of each image (Yamashita column 7 lines 22-29; compare with claim 14). Claim 14 would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Yamashita, because of Yamashita's taught advantage of default parameters, which is in turn an example of a segmented image layout system incorporating pre-defined parameters directed to the presentation of each image, as taught by Yamashita.

In regard to dependent claim 15:

With reference to the rejection of claim 12, Yamashita teaches a system whereby a layout model is generated, the segmentation of which is dependent upon turns of a node tree structure hierarchy (please see Yamashita column 9 lines 10-15). Yamashita also teaches the inclusion of an imaginary node to automatically change child node arrangements to either vertical, or horizontal directions (Yamashita column 9 lines 56-63; compare with claim 15). Claim 15 would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Yamashita, because of Yamashita's taught advantage of manually modifying a layout model, providing a way for a user to forcibly change a layout structure (Yamashita column 9 lines 60-63).

In regard to dependent claims 16 and 17:

Yamashita teaches a system whereby an address book is segmented into areas by a vertical separator, the resulting layout model results in a document consisting of four columns, and horizontal area segmentation results in a layout of rows (Yamashita column 9 lines 20-28, 48-50, Figure 18(A-C); compare

Art Unit: 2176

with claims 16 and 17). Claims 16 and 17 would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Yamashita, because of Yamashita's taught advantage of row/column representation, which in turn are examples of directional layouts of a displayed address book as taught by Yamashita.

8. **Claims 2-4, 13, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita, Lemay, and Nielsen as applied to claims 1, 12 above, and further in view of BORLAND, QUATTRO PRO User's Guide (hereinafter Quattro Pro), Borland International, 1992 pp.77, 121-122, 129.**

With respect to dependent claim 2:

Yamashita teaches a command and data input, and Quattro Pro (p.121-122) shows a user selecting the print orientation as either Portrait (vertically) or Landscape(horizontally) by a check box. It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Quattro Pro's select indication method to Yamashita's input command, because of Quattro Pro's taught advantage of using a check button instead of an input command, and the inherent directional nature of selective, orientation.

With respect to dependent claim 3:

Quattro Pro p.77 shows a user selecting text font and size. It would have been obvious to one of ordinary skill in the computer art at the time of the invention to implement Quattro Pro's teaching with Yamashita to lock the size of text, because text size will be fixed when text font style and size are selected.

Art Unit: 2176

With respect to dependent claim 4:

Quattro Pro (p.129) teaches a print view button to see an on screen preview of how a document will appear, so a "view table" would have been an obvious addition to one of ordinary skill in the art at the time of the invention to apply to Yamashita, because a "view table" is the same as a print view button.

In regard to dependent claim 13:

Claim 13 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 2, and is rejected along the same rationale.

In regard to dependent claim 18:

Claim 18 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 4, and is rejected along the same rationale.

9. **Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashita, Lemay, and Nielsen as applied to claim 12 above, and further in view of Oliver, D. et al., Netscape 3 Unleashed (hereinafter Netscape), 1996 Sams.net Publishing, pp.408-413.**

In regard to dependent claim 19:

Yamashita teaches a system whereby a layout model is generated, the segmentation of which is dependent upon turns of a node tree structure hierarchy (Yamashita column 9 lines 10-15). Yamashita does not specifically teach the specific limitation of frame inclusion with independent split determination per frame, within Yamashita's invention. However, Netscape teaches a system of frames, whereby two separate

Art Unit: 2176

documents are displayed in its own frame of a browser (Netscape p.410 Figure 22.10; compare with claim 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the document frames system of Netscape to Yamashita, because of Netscape's taught advantage of frames incorporating independent documents, providing simultaneous display of multiple documents to the segmentation system as taught by Yamashita.

Response to Arguments

10. Applicant's arguments filed 12/8/2000 have been fully and carefully considered, but they are not persuasive.

Applicant's arguments are substantially directed towards amended claims. The Examiner respectfully notes that these arguments are currently moot in view of newly found art (Nielsen), to teach Applicant's claims as currently amended, in particular, preservation of original Web page layout rendering regardless of browser configuration.

Conclusion

11. **Prior art made of record and not relied upon is considered pertinent to disclosure.**

Nielsen	U.S. Patent No. 6,199,080	Issued	March 2001
---------	---------------------------	--------	------------

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Art Unit: 2176

Heather Herndon, can be reached on (703) 308-5186. The fax number to this art unit is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

13. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 305-9724 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Fourth Floor (Receptionist).**

William L. Bashore
9/27/2001


JOSEPH H. FEILD
PRIMARY EXAMINER